

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WRIGHT et al.

Examiner: J. Pascua

Appeal No. 2003-0068

Art Group: 3727

Application No. 09/415,696

Filing Date: October 12, 1999

Atty. Docket No. 21276.00.9044

Title: **RECLOSABLE FASTENER PROFILE SEAL AND METHOD OF
FORMING A FASTENER PROFILE ASSEMBLY**

DECLARATION OF PAUL A. TILMAN

I, Paul A. Tilman, of W4582 Forest Lane in Sherwood, Wisconsin, 54169 declare that:

1. I am of lawful age, and if called upon to testify, I could and would competently testify to the facts set forth herein.

2. I am currently employed by Alcoa Consumer Products (Presto Products), 670 North Perkins Street, Appleton, Wisconsin 54192 as a Research and Development Manager and have been employed by Alcoa (Presto Products) since February 10, 1997.

3. I have 34 years of industry experience as a designer and as an inventor in the field of reclosable flexible plastic bags, which includes methods and apparatus for manufacturing recloseable bags, reclosable seals for plastic bags and methods and devices for manufacturing recloseable seals for plastic bags.

4. I am the sole inventor of U.S. Patent No. 5,071,689. I am also named as an inventor or co-inventor on approximately fifty (50) other U.S. and foreign patents that relate to reclosable flexible bags, seals for flexible bags and manufacturing seals for

flexible bags. I have been informed that my '689 patent has been cited by U.S. Patent Examiner Jes F. Pacua as inherently teaching an "airtight seal."

5. I am skilled in the art of recloseable seals for flexible bags, because of my years of industry experience, and because of the number of issued U.S. patents that bear my name as an inventor.

6. As one of skill in the art of recloseable plastic bags, an "airtight seal" is a seal that will at least prohibit the movement of atmospheric pressure, room-temperature air molecules across the seal for an indefinite length of time.

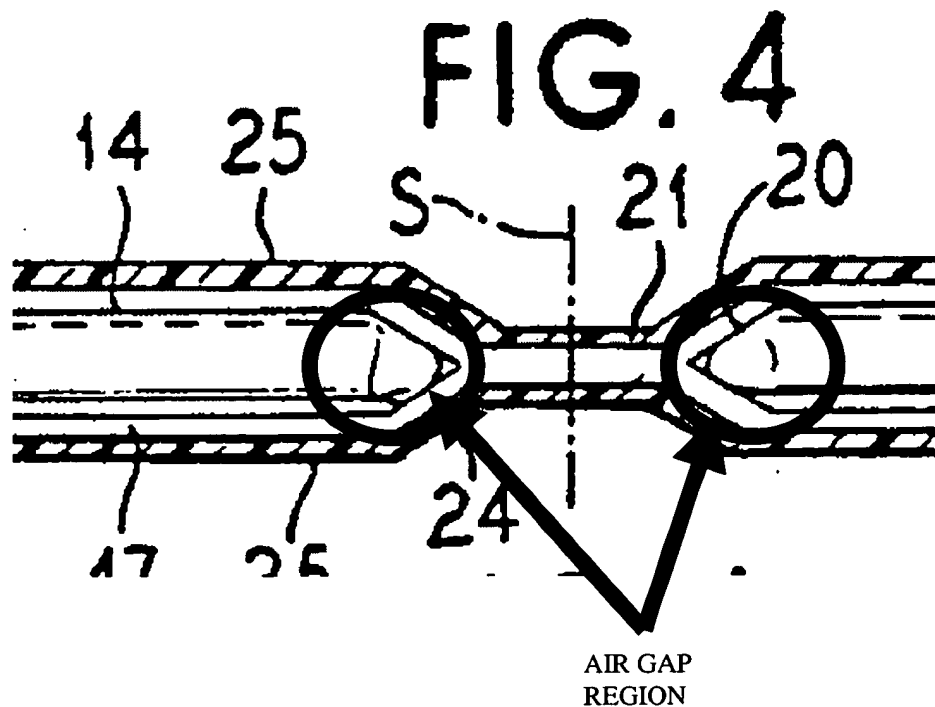
7. As the sole inventor of U.S. Patent No. 5,071,689, I am the person most knowledgeable about the seal structure and sealing methodology disclosed and claimed in the patent.

8. As the sole inventor of the '689 patent and as one of skill in the art, I know that the "spot sealing" as taught in the '689 patent will not provide a recloseable seal that will be an airtight seal. "Spot sealing" will not provide an airtight seal, because the spot sealing means 19 shown in FIG. 1 of the '689 patent completely or nearly completely flattens the female base 14 and the male rib or arrow-shaped protuberance 15, which together comprise recloseable zipper strips 10 and 11. When the female base 14 is flattened or even nearly completely flattened by the sealing means 19, there is no structure into which a male protuberance 15 can extend: there is no structure that provides any seal.

9. FIG. 3 of the '689 patent is an enlarged fragmentary plan view of the hinge portion of a zipper strip. FIG. 4 shows an edge elevational view of the zipper strip show fragment shown in FIG. 3.

10. FIG. 3 and FIG. 4 both show that the female base 14 and the arrow-shaped protuberance 15 that form a seal, do not extend all the way to where the spot seal/hinge 21 is formed by the spot sealing means 19. The female base 14 and the arrow-shaped protuberance 15 do not extend all the way to the seal because of deformation caused by local thermal and mechanical deformation of the base 14 and protuberance 15 caused by the spot sealing means 19.

11. FIG. 4 of the '689 patent shows a small space between the spot seal /hinge 21 and the terminal extent of the female base 14 / protuberance 15 where there is no seal structure. This space is encircled and identified as an "AIR GAP REGION" in the copy of FIG. 4 that appears below.

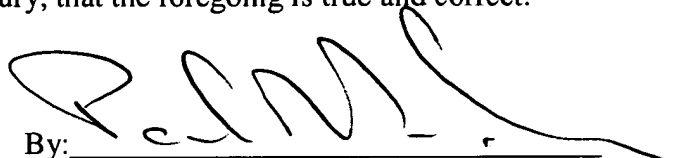


12. The "AIR GAP REGION" shown in FIG. 4 provides a passageway for air and other gas molecules. The AIR GAP REGION is an artifact of "spot sealing."

13. As the sole inventor of the '689 patent and as one skilled in the art of recloseable seals for plastic bags, the structure and method disclosed and claimed in the '689 patent does not explicitly or inherently provide a seal that is airtight under any definition of "airtight." The structure and method disclosed in the '689 patent will inherently leak air and other gaseous molecules through an air gap located between the extent of the sealing structures 14 and 15 and the spot seal produced by spot sealing means.

I declare under the penalties of perjury, that the foregoing is true and correct.

Dated: 29th Aug 03.


By: 
Paul A. Tilman

State of Wisconsin

County of Ooutagamie

Before me personally appeared said Paul A. Tilman and acknowledge the foregoing instrument to be his free act and deed this 29 day of August, 2003.

Seal


(Notary) My Commission Expires
3-18-07